

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LELYN EDWARD BODINE,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-05-1164-M
)	
THE WARDEN OF JOSEPH HARP)	
CORRECTIONAL CENTER,)	
)	
Respondent.)	

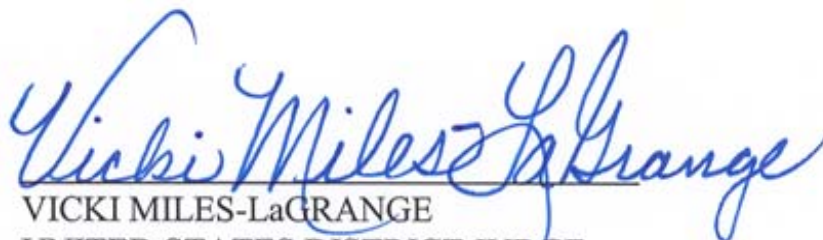
ORDER

On December 20, 2005, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that respondent's Motion to Dismiss Mixed Petition [docket no. 12] be denied and that respondent be ordered to respond to the merits of the Petition. The parties were advised of their right to object to the Report and Recommendation by January 9, 2006. A review of the file reveals no objection has been filed.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on December 20, 2005;
- (2) DENIES respondent's Motion to Dismiss Mixed Petition [docket no. 12], and
- (3) ORDERS respondent to respond to the merits of petitioner's Petition for a Writ of Habeas Corpus within twenty (20) days of the date of this Order.

IT IS SO ORDERED this 30th day of January, 2006.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE